

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

Roe Kiviti, et al.

*Plaintiffs,*

v.

Michael R. Pompeo, et al.,

*Defendants.*

Civil Action No. 19-2665

**JOINT RECORD**

Pursuant to the Court's Case Management Order, the parties hereby submit the Joint Record concerning Plaintiff's Motion for Partial Summary Judgment (ECF No. 47). The Joint Record consists of Exhibits A-CC, which are Bates numbered JR001–JR256.

**JOINT RECORD INDEX**

<b>Exhibit Reference</b>	<b>Exhibit Name</b>	<b>Bates Range</b>
<b>A</b>	Declaration of Roe Kiviti	JR001-007
<b>B</b>	Declaration of Adiel Kiviti	JR008-014
<b>C</b>	Declaration of Susan Baker Manning	JR015-017
<b>D</b>	United States Passport of Roe Kiviti	JR018
<b>E</b>	United States Naturalization Certificate of Roe Kiviti	JR019
<b>F</b>	United States Passport of Adiel Kiviti	JR020
<b>G</b>	United States Permanent Resident Card of Adiel Kiviti	JR021
<b>H</b>	United States Naturalization Certificate of Adiel Kiviti	JR022
<b>I</b>	Marriage Certificate of Roe and Adiel Kiviti	JR023
<b>J</b>	Queen's Bench of Alberta's Surrogacy Order re L.R.K.	JR024-027
<b>K</b>	Birth Certificate of L.R.K.	JR028
<b>L</b>	United States Passport of L.R.K.	JR029
<b>M</b>	Surrogacy Agreement re K.R.K.	JR030-079
<b>N</b>	Queen's Bench of Alberta's Surrogacy Order re K.R.K.	JR080-082
<b>O</b>	Birth Certificate of K.R.K.	JR083
<b>P</b>	Correspondence between Adiel and Roe Kiviti and State Department Attorney	JR084-085
<b>Q</b>	Correspondence between Adiel and Roe Kiviti and State Department Attorney	JR086-102
<b>R</b>	Correspondence from State Department to Adiel and Roe Kiviti	JR103
<b>S</b>	State Department Foreign Affairs Manual homepage (Jan. 6, 2020)	JR104

<b>Exhibit Reference</b>	<b>Exhibit Name</b>	<b>Bates Range</b>
<b>T</b>	8 FAM § 301.4 (“Acquisition by Birth Abroad to U.S. Citizen Parent(s) and Evolution of Key Statues”)	JR105-114
<b>U</b>	8 FAM § 304.1 (“Birth in Wedlock, of Wedlock, Void and Voidable Marriages”)	JR115-118
<b>V</b>	8 FAM § 304.3 (“Acqusition [sic] of U.S. Citizenship at Birth - Assisted Reproductive Technology”)	JR119-121
<b>W</b>	Excerpts of Paul Peek (30(b)(6)) Deposition Transcript filed as ECF No. 83-4 (Jan.7, 2019) in <i>Dvash-Banks v. Pompeo</i> , Case No. 2:18-cv-00523 (C.D. Cal)*	JR122-139
<b>X</b>	Excerpts of Larilyn Reffett Deposition Transcript filed as ECF No. 83-8 (Jan. 7, 2019) in <i>Dvash-Banks v. Pompeo</i> , Case No. 2:18-cv-00523 (C.D. Cal)*	JR140-146
<b>Y</b>	Excerpts of Margaret Ramsay Deposition Transcript filed as ECF No. 83-7 (Jan. 7, 2019) in <i>Dvash-Banks v. Pompeo</i> , Case No. 2:18-cv-00523 (C.D. Cal)*	JR147-153
<b>Z</b>	Plaintiffs’ Combined Statement of Facts filed as ECF No. 110-1 (Jan. 22, 2019) in <i>Dvash-Banks v. Pompeo</i> , Case No. 2:18-cv-00523 (C.D. Cal)	JR154-242
<b>AA</b>	Supplemental Excerpts of Paul Peek (30(b)(6)) Deposition Transcript	JR243-244
<b>BB</b>	U.S. Dept. of State Form DX-2029 (Application for Consular Report of Birth Abroad of a Citizen of the United States of America)	JR245-253
<b>CC</b>	Memorandum from Assistant Secretary of State for Consular Affairs to the Secretary of State regarding Assisted Reproductive Technology (ART), Citizenship and Visa Law (Feb. 13, 2012)	JR254-256

---

\* Exhibits W-Y and AA are publicly-available excerpts of the transcripts of the Peek (30(b)(6)), Reffett, and Ramsay depositions as filed with the district court in *Dvash-Banks v. Pompeo*, Case No. 2:18-cv-00523 (C.D. Cal).

Dated: March 6, 2020

Joseph H. Hunt  
Assistant Attorney General

Anthony J. Coppolino  
Deputy Director

/s/ Alexis J. Echols  
Alexis J. Echols  
Trial Attorney

Vinita B. Andrapalliyal  
Trial Attorney

United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW, Room 11304  
Washington, D.C. 20005  
Telephone: (202) 305-8613  
Facsimile: (202) 616-8460  
Email: alexis.j.echols@usdoj.gov

*Attorneys for Defendants*

Respectfully submitted,

/s/ Clara Kollm

Susan Baker Manning\*  
Eleanor Pelta\*

Clara Kollm (MD Bar No. 19865)  
MORGAN LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
Telephone: (202) 739-3000  
susan.manning@morganlewis.com  
eleanor.pelta@morganlewis.com  
clara.kollm@morganlewis.com

John A. Polito\*

Christie P. Bahna\*  
MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, California 94105  
Telephone: (415) 442-1000  
john.polito@morganlewis.com  
christie.bahna@morganlewis.com

Jacquelynne M. Hamilton\*  
MORGAN LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
Telephone: (215) 963-5000  
jacquelynne.hamilton@morganlewis.com

Omar Gonzalez-Pagan\*  
Karen L. Loewy\*  
LAMBDA LEGAL DEFENSE AND  
EDUCATION FUND, INC.  
120 Wall Street, 19th Floor  
New York, New York 10005  
Telephone: (212) 809-8585  
Facsimile: (212) 809-0055  
ogonzalez-pagan@lambdalegal.org  
kloewy@lambdalegal.org

Aaron C. Morris\*  
IMMIGRATION EQUALITY  
40 Exchange Place, Suite 1300  
New York, New York 10005-2744  
Telephone: (212) 714-2904  
amorris@immigrationequality.org  
*Attorneys for Plaintiffs*

\*Admitted *pro hac vice*